



**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND CABLE**

D.T.C. 17-5

June 1, 2018

Petition of Charter Communications to establish and adjust the basic service tier programming, equipment, and installation rates for the communities in Massachusetts served by Charter Communications that are subject to rate regulation.

**HEARING OFFICER RULING ON THE TOWN OF SOUTHAMPTON'S
PETITION TO INTERVENE**

On November 2, 2017, Charter Communications ("Charter") filed FCC Forms 1205 and 1240 proposing basic service tier programming, equipment and installation rates for the communities in Massachusetts served by Charter currently subject to rate regulation. Pursuant to G.L. c. 166A, § 15 and 207 C.M.R. § 6.03, the Department of Telecommunications and Cable ("Department") investigates proposed basic service tier programming, equipment, and installation rates. This proceeding has been docketed as D.T.C. 17-5, and is a formal adjudicatory proceeding conducted under G.L. c. 30A and 207 C.M.R. 1.00.

On May 23, 2018, the Department received a petition to intervene from the Town of Southampton ("Petition"). The Board of Selectmen is the Issuing Authority of the license under which Charter operates its cable television service in the Town of Southampton. The Petition is unopposed. Under Massachusetts regulations issuing authorities are not automatically parties to rate proceedings. *See* 207 C.M.R. § 1.03. An interested person may participate as a party only if it files a petition to intervene and such petition is subsequently granted by the Department. *Id.*

The petition to intervene must state with specificity how the petitioner is substantially and specifically affected by the rate proceeding. *Id.* The Department has broad discretion in determining whether a petitioner is substantially and specifically affected by a proceeding; and accordingly in determining whether to permit participation in Department proceedings and the

extent of such participation. *See, e.g., Att’y Gen. v. Dep’t of Pub. Utils.*, 390 Mass. 208, 216-17 (1983); *Boston Edison Co. v. Dep’t of Pub. Utils.*, 375 Mass. 1, 45 (1978); *Newton v. Dep’t of Pub. Utils.*, 399 Mass. 535, 543 n.1 (1959). Such a determination is “based on individual facts establishing the ‘substantial and specific’ effect that the proceeding may have on the individual or entity seeking to intervene.” *Bd. of Health of Sturbridge v. Bd. of Health of Southbridge*, 461 Mass. 548, 558 (2012). The Department has regularly found that rate-regulated communities are substantially and specifically affected by the outcome of a rate setting proceeding. *See, e.g., Petition of Charter Commc’ns to Establish & Adjust the Basic Serv. Tier Programming, Equip., & Installation Rates for the Cmtys. in Mass. Served by Charter Commc’ns that are Subject to Rate Regulation*, D.T.C. 15-4, *Hearing Officer Ruling on the Town of Dudley’s Petition to Intervene* (Aug. 24, 2016); *Petition of Comcast Cable Commc’ns, LLC to Establish & Adjust the Basic Serv. Tier Programming, Equip., & Installation Rates for the Cmtys. in Mass. Served by Comcast Cable Commc’ns, LLC that are Currently Subject to Rate Regulation*, D.T.C. 14-4, *Hearing Officer Ruling on the Town of Somerset’s Petition to Intervene* (Mar. 18, 2015).

The Town of Southampton requests intervenor status for the following reasons: (1) it represents the interests of its residents and CATV customers in purchasing cable television service from Charter; (2) it had no opportunity to review or question items such as basic service tier costs, programming, equipment, or installation as part of its franchise license negotiations with Charter; and (3) Southampton residents as ratepayers could be impacted by the outcome of this proceeding. Petition at 1. The Town of Southampton is a rate-regulated community served by Charter. Consequently, residents of the Town of Southampton may be substantially and specifically affected by this proceeding, in which the Department will review Charter’s proposed rates in the town. As the Town of Southampton represents the interests of those residents, it too

may be substantially and specifically affected by this proceeding. In addition, the Petition is unopposed.

Accordingly, the Department GRANTS the Town of Southampton's Petition to Intervene in the above-referenced rate proceeding.



Sean Carroll
Hearing Officer

NOTICE OF RIGHT TO APPEAL

Under the provision of G.L. c. 30A, § 11(8), any aggrieved party may appeal this Ruling to the commissioner by filing a written appeal with supporting documentation within five (5) days of this ruling. A copy of this ruling must accompany any appeal. A written response to any appeal must be filed within two (2) days of the appeal.